

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES P. BLOUNT	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15 CV 322 DDN
	)	
ZACHARY NICHOLAY,	)	
MATTHEW MILLER, and	)	
ALBERT NAPIER,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This action is before the court on the motion of plaintiff James P. Blount to dismiss voluntarily certain defendants with prejudice with the consent of those defendants. (ECF No. 111.)

On February 19, 2015, plaintiff Blount commenced this action against defendants Casino One Corporation and certain individuals in their individual capacities.<sup>1</sup> In his first amended complaint, plaintiff seeks relief under Missouri state law and 42 U.S.C. § 1983, invoking the court's federal question jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367(a). (ECF No. 41.)

Plaintiff's amended complaint seeks relief upon claims against defendants Zachary Nicholay, Keith Major, Ezell T. Cody Jr., Nicholas Shelton, Erich VonNida, Matthew Miller, Albert Napier, HBS, Co., Matthew Harmon, and Casino One Corporation. (*Id.*)

Now, by his voluntary motion to dismiss, plaintiff dismisses with prejudice his claims against the following defendants with their consent: HBS Co. (aka Hudson Services), Keith S. Major, Nicholas R. Shelton, Erich J. VonNida, Ezell T. Cody, Jr.,

---

<sup>1</sup> Several defendants were dropped by plaintiff's first amended complaint, filed on March 16, 2015. (ECF No. 41.)

Matthew Harmon, and Casino One Corporation (aka Lumiere Casino, aka Lumiere Place & Hotels, aka Lumiere, Place Casino & Hotels). (ECF No. 111.)

Therefore, the only claims remaining for determination are plaintiff's claims against defendants Zachary Nicholay, Matthew Miller, and Albert Napier. (ECF No. 41.)

The court's Amended Case Management Order (ECF No. 108) remains in effect.

Thereupon,

**IT IS HEREBY ORDERED** that the motion of plaintiff to dismiss with prejudice his claims against defendants HBS Co. (aka Hudson Services), Keith S. Major, Nicholas R. Shelton, Erich J. VonNida, Ezell T. Cody, Jr., Matthew Harmon, and Casino One Corporation (aka Lumiere Casino, aka Lumiere Place & Hotels, aka Lumiere, Place Casino & Hotels) (ECF No. 111) is **SUSTAINED**. Said claims against those defendants are dismissed with prejudice.

**IT IS FURTHER ORDERED** that the case go forward on plaintiff's claims against defendants Zachary Nicholay, Matthew Miller, and Albert Napier.

**IT IS FURTHER ORDERED** that a status conference of counsel for all remaining parties with the court is set for **September 21, 2016, at 1:30 p.m.**

/S/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

**Signed on September 12, 2016.**